

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.294 of 2021**

**In**

**Civil Writ Jurisdiction Case No.7205 of 2020**

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Asha Kumari Daughter of Gopal Ram, Resident of Village-Deo, Post-Deo, P.S.-Deo, District-Aurangabad and At present Resident of Sector 2-D, Quarter No.1/203, Bokaro Steel City, District-Bokaro, Pin-Code-827001, Jharkhand.

... .. Appellant/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Education, Government of Bihar, Patna
2. The Principal Secretary, Department of Education, Government of Bihar, Patna
3. The Director, Department of Higher Education, Government of Bihar, Patna.
4. The Bihar Public Service Commission through its Secretary having Office at Jawahar Lal Nehru Marg (Bailey Road), Patna.
5. The Chairman, Bihar Public Service Commission, Bihar, Patna.
6. The Secretary, Bihar Public Service Commission, Bihar, Patna
7. The Joint Secretary-Cum-Examination Controller, Bihar Public Service Commission, Bihar, Patna.
8. The Vice Chancellor, Guru Ghasidas Vishwavidyalaya, Bilaspur, Chattisgarh, India
9. The Registrar, Guru Ghasidas Vishwavidyalaya, Bilaspur, Chattisgarh, India

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Ravindra Kumar Singh, Adv.  
For the Respondent/s : Mr. Ajay Kumar Rastogi, Adv.  
For the BPSC : Mr. Sanjay Pandey, Adv.  
Mr. Nishant Kumar Jha, Adv.

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

**and**

**HONOURABLE MR. JUSTICE HARISH KUMAR**

**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)**

3 28-02-2023

**Re: Interlocutory Application No. 1 of 2023.**

This Interlocutory Application has been filed for  
  
condoning the delay in preferring the present memo of



appeal.

For the reasons stated in the application, the delay in preferring the appeal, is condoned.

The Interlocutory Application No. 01/2023 stands allowed.

**L.P.A. No. 294/2021**

1. Heard the learned counsel for the parties.

2. The appellant was excluded from consideration for being appointed as Lecturer in Physical and Health Education for which, she had applied under the Scheduled Caste category, on the ground that she did not possess the basic qualification of M.P.Ed. at the time of filling of the application or at the time of interview.

3. The learned counsel for the appellant has contended that mere non production of original certificate of M.P.Ed. ought not to be a ground to oust the appellant from consideration and the Commission ought to have granted more time to the appellant to furnish such certificate. There is a reason assigned by the appellant for not furnishing the aforesaid certificate at the time of interview, namely, that



the same had been applied for from the University where such degree was obtained but the University Authorities did not issue the original certificate of M.P.Ed.

4.The learned Single Judge, after having gone through the scheme of the advertisement and separately taken out scheme of interview, found that it was necessary for a candidate to have had obtained M.P.Ed. degree on or before 22.06.2016 i.e. the date of filling of the form.

5.The appellant appears to have filled up the form without the certificate but the same was permitted. She passed the written examination and was called for interview. As noted above, she was separately intimated for bringing the original certificate along with her, which was not brought on the same plea that the same was not released by the concerned University. However, the marksheet of such certificate was produced at the time of interview, which was not taken into account.

6.The learned Single Judge, finding that the Commission could not have waited for eternity for the certificate and even if such certificate would have been



released by the concerned University, it would have been on or after the cut off date of 22.06.2016 and thus the candidature of the appellant could not have been considered

We, thus find no reason to interfere with the order dated 21.01.2021 passed in C.W.J.C. No. 7205 of 2020.

The appeal is dismissed.

**(Ashutosh Kumar, J)**

**( Harish Kumar, J)**

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